

ZOLTÁN JÓZSA

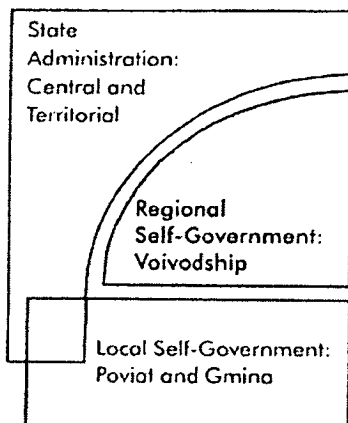
Structure and operation of local and regional governments in Poland

1. Introduction

The main objective of the government of the Republic of Poland is to forge a modern and effective state that will satisfy the fundamental needs of its citizens. Between 1990 and 1993, governments led by the political forces that emerged from the Solidarity movement fundamentally restructured the Polish economy. Now, the post-Solidarity movement have returned to power to complete this process by thoroughly reforming the Polish state and administrative structures.

Local self-governments in Poland have been functioning since 1990 in 2489 gminas. The creation of gminas after the fall of communism has proved a great success. The current reforms have introduced two new levels of self-government and significantly reduced the central government's administrative presence at the sub-national levels. The state has decentralised responsibilities and financial capacities to 308 democratically elected local self-governments at the poviat level and to the authorities of 65 urban gminas which were granted poviat rights. The reforms have also radically reduced the number of existing voivodships from 49 to 16, with this act enabling them to create regional development policies.

Starting on January 1, 1999, the voivodship councils (Sejmiks) become responsible for the development and implementation of regional economic policies. They have, like poviats and gminas, independent legal identities with independent budgets. As a result, the reforms have brought about a significant decentralisation of both public authority and public finance. Moreover, a new system of public finance makes the budgets of all public administration entities more transparent and accountable to the electorate.



2. General foundations of the reform

The principles underlying Poland's administrative reform reflect the core values shared by the nation states of the European continent. These values continue to define the practices of international co-operation in Euro-Atlantic community of states. These are also the principles that the European Union considers necessary for the development of its Member States.

Civil society

The new State is expected to constitute the common good of its citizens and has been designed to serve them. The state will support citizen activities that enrich the public interest and will consider the expression of this interest as its highest goal. This is why the essence of the reform lies in introducing new levels of civil authority, all the more necessary in light of their 50-year absence during communist rule. These new levels of government bring people closer to, and make them more responsible for, the conduct and development of their communities.

The self-governing poviat, together with the existing self-governing gmina, allows citizens to share and control the local public institutions and policies that are closest to their daily lives.

The delegation of even more-substantial authority to local communities also makes it possible for non-governmental organisations to play a greater role in the realisation of public services and in the enrichment of civil society. Local governments are able to entrust public functions to non-profit organisations and, where appropriate, private entrepreneurs.

An important element in the construction of civil society is the introduction, for the first time in Poland's history, of politically elected bodies at the regional level. Members of regional governments (voivodship *Sejmiks*) constituted through popular elections are responsible for creating and implementing regional development strategies that reflect the shared goals of the regional (voivodship) community. All social partners are to be involved in the elaboration of such strategies, including poviats and gmina authorities as well as non-governmental organisations.

Subsidiarity

The principle of subsidiarity constitutes one of the foundations of the European Union. It also forms the basis of the restructured Polish state. In legislative and governmental perspective and practice, the principle of subsidiarity entails decentralisation and deconcentration.

Through decentralisation many of the responsibilities of the national state are assigned to local and regional communities. This new assignment of responsibilities removes the national government from the day-to-day operation of broad areas of public administration and development. Local and regional governments are not subordinated to the central government and operate freely and independently, subject only to the state's legal review. Democratically elected representatives at the gmina, poviats and voivodship levels are fully responsible for the functions that have been transferred to them.

Through deconcentration, the national government also places other responsibilities in the hands of its territorial representatives at the voivodship level, or delegates them to gmina, poviats, or voivodship self-governing bodies so that functions which still belong within the purview of the national state can nonetheless be carried out more effectively by governments closer to the citizenry.

Effectiveness

Poland wants to secure its role in the European system of co-operation through improving the efficiency of its state structures. Poland's place in the international arena will largely be determined by the ability of local and regional communities to gainfully employ their talents and successfully control their developmental opportunities. This will occur due to the reform and the decentralisation of control over public services which are best managed directly by the communities that they serve. In result, the improvement of public services will ensue. The decentralisation combined with the other social reforms will contribute to an effective delivery of public services to local communities.

By decentralising control over public services, the national government has freed its own hands for the larger task of strategic policy, systemic regulation, administrative supervision (and if necessary - intervention) as well as European integration.

By reducing the costs of government and improving the effectiveness of public administration, the Polish state has become a more reliable international partner.

Transparency, openness and accountability

One of the basic premises of the reform is that the transparency and openness of public decisions must be improved. This means eliminating unclear and complicated administrative procedures at various levels of government, streamlining administrative structures, radically reforming the system of public finance, and above all, delegating new powers to democratically elected local and regional authorities. These authorities are accountable to their electors who, by this, have a greater say in shaping their day-to-day economic and social existence.

Flexibility

The success of contemporary states depends on their ability to respond rapidly to changing internal and external conditions. The systemic reforms have been designed to improve significantly the flexibility and responsiveness of public authority by placing more power and control in the hands of local and regional communities. This ensures the better realisation of diverse public interests, while also allowing Poland to better adjust to a dynamic international environment.

3. Decentralisation of public finance

The delegation of powers down to lower levels of self-government is accompanied by the decentralisation of public finance to the same levels. In December 1998 the parliament completed its work on the final versions of the temporary Law on Revenues of Territorial Self-Government Entities for the Years 1999 and 2000 and the Law on Public Finance. Both laws contribute to the introduction of a clear and transparent assignment of financial responsibilities to particular entities as well as ensure that the tasks delegated to territorial self-government entities are accompanied by the financial resources indispensable for their fulfilment.

The Law on Revenues of Territorial Self-Government Entities is the major legislative act which determines the nature of self-government bodies' revenues. The revenues of gminas, poviats and voivodships consist of:

- own revenues, understood as property taxes, shared personal and corporate income taxes, and other statutory incomes (fees and taxes) which may be utilised for any purpose;
- general subventions, although calculated for specific purposes such as education and roads, they may also be spent freely or carried over as surpluses from year to year;
- specific, state budget, grants, given for a specific purpose, are granted for a given fiscal year: unutilised funds have to be returned to the state budget.

Apart from these public sources of revenues, local entities are empowered to obtain revenues from private law sources (from the assets that they own). This mainly concerns gminas which are especially well-equipped with ground, housing and commercial properties.

4. Constitutional provisions

The principles of local democracy are enshrined in the Constitution (Articles 15–16 and 163–172), the provisions of which guarantee, in particular:

- decentralised government, based on a system of territorial subdivision which takes account of social, economic and cultural ties as well as the ability of local authorities to perform public tasks (Article 15);
- the status of municipalities as the basic local authority; municipalities have competence for all local government tasks not assigned to other authorities by law; other tiers of local government may be established by law (Article 164);
- participation by local authorities in the exercise of government; through their deliberative and executive bodies, local authorities are empowered by law to perform a considerable share of public tasks, in their own right and under their own responsibility (Articles 16 and 169);
- fair, direct and secret elections for local councils, the legal personality of local authorities, property rights and other economic rights (Article 165);
- the opportunity for citizens to take direct decisions, by referendum, on matters concerning their local authority, including dismissal of the council (Article 170);
- resources deriving from an appropriate share of national government revenue – defined by law – adequate for the tasks assigned to local authorities; local budgets are financed from authorities' own income as

well as government grants and subsidies; local authorities are entitled to set local taxation rates in accordance with statutory regulations (Articles 167 and 168);

- judicial protection of local authorities' autonomy (Article 65); only the legality of their actions is subject to review, except for tasks delegated by the state (Articles 166 and 171);
- the right to associate, to join international associations of local and regional authorities and to conduct co-operation programmes with local and regional authorities in other countries (Article 172).

Main legislation:

Act of 8 March 1990 on Municipalities;
 Act of 6 April 1990 on Employees of Local and Regional Authorities;
 Act of 12 January 1991 on Local Rates and Taxes;
 Act of 11 October 1991 on Municipal Referendums;
 Act of 7 October 1992 on Regional Audit Offices;
 Act of 25 March 1994 on the Administrative Structure of the City of Warsaw; Act of 7 July 1994 on Physical Planning;
 Act of 12 October 1994 on the Appeal Boards of Local and Regional Authorities; Act of 5 June 1998 on Powiats;
 6Act of 5 June 1998 on Voivodeships;
 Act of 16 July 1998 on Election Procedures for Municipalities, Powiats and Voivodeships;
 Act of 24 July 1998 on Amendments to certain Legislation governing the Distribution of Government Responsibilities, as a result of the reform of state organisation;
 Act of 28 July 1998 on Division of the Country into Three Tiers of Local Government; Act of 13 October 1998: Provisions introducing Legislation to Reform Public Administration;
 Act of 9 November 1998 on Sources of Income for Local and Regional Authorities; Act of 26 November 1998 on Public Finances.

5. Structure of local and regional authorities

Main subdivisions

Since 1 January 1999, the system of territorial subdivisions has comprised three types of authority; the basic level, that of municipalities (revived by the act of 8 March 1990). has been supplemented by two intermediary levels - powiats and voivodeships – introduced by the acts of 5 June 1998.

Statistical data

Number of local and regional authorities on 1 January 1999

Municipalities	2489 (including 65 unattached cities enjoying the same rights as powiats)
Powiats (not including cities enjoying the same rights)	308
Voivodeships	16

Poland did not have any local authorities in 1950.

Area of local and regional authorities

Authorities	Average area (km ²)	Largest area (km ²)	Smallest area (km ²)
Municipalities	117.4	635 (municipality of Pisz in the powiat of Pisz in the voivodeship of Warmia-Mazuria)	3 (municipality of Gorowo Iławeckie in the powiat of Bartoszyce in the voivodeship of Warmia-Mazuria)
Powiats	995.0	2987 (powiat of Białystok in the Voivodeship of Podlasie)	156 (powiat of Tychy in the voivodeship of Silesia)
Voivodeships	19 565.0	35715 (voivodeship of Mazovia)	9412 (voivodeship of Opole)

Population of local and regional authorities

Authorities	Average	Largest	Smallest
Municipalities	15 575	927 696 (municipality of Warsaw-centre)	1 279 (municipality of Krynica Morska in the voivodeship of Pomerania)
Powiats	82 800	244 970 (powiat of Poznań in the voivodeship of Wielkopolska)	22 149 (powiat of Sejny in the voivodeship of Podlasie)
Voivodeships	2 416 998	5 068 494 (voivodeship of Mazovia)	1 019 695 (voivodeship of Lubusie)

Classification of municipalities according to the number of inhabitants

Number of inhabitants	Number of municipalities
1 000–4 999	579
5 000–9 999	1 074
10 000–49 999	736
50 000–99 999	55
100 000–500 000	40
Over 500 000	5

Special structures in particular areas and structural changes

Unattached cities enjoying the same rights as powiats. Under the Act of 5 June 1998 on Powiats, the order of the Council of Ministers of 7 August 1998 established – in addition to the 308 powiats – sixty-five unattached cities which enjoy the same rights as powiats while retaining the status of municipalities.

The Act of 5 June 1998 on Powiats provides that cities of over 100 000 inhabitants which cease to be the seat of a voivodeship on 31 December 1998 shall have the status of unattached cities enjoying the rights of powiats, unless the Council of Ministers decides otherwise, in accordance with the law:

- at the request of a city's municipal council, where the latter does not wish to have the status of an unattached city enjoying the right of a powiat;
- where the status of an unattached city enjoying the rights of a powiat would restrict access to supra-municipal public services for local authorities which, without such an exemption, would be part of the powiat.

The Council of Ministers may also grant the status of unattached city enjoying the rights of a powiat to a city of fewer than 100 000 inhabitants, at the request of its municipal council, where the city possesses the necessary infrastructure to perform powiat tasks, provided that this is not likely to restrict access to supra-municipal public services for local authorities which, without such a decision by the Council of Ministers, would be part of the powiat.

In any event, the law requires the Council of Ministers to consult the municipal councils concerned, the powiat council and the voivodeship diet before taking a decision.

In unattached cities enjoying the same rights as powiats, the responsibilities of powiat organs are exercised by the city's municipal council and administrative board.

6. General units of state administration at local/regional level and their relations with local and regional authorities

The establishment of new local and regional authorities – powiats and voivodeships – necessitated significant changes in the distribution of responsibilities between the state administration and such authorities, as well as in the structure and modus operandi of decentralised government.

The Act of 24 July 1998 (on Amendments to certain Legislation governing the Distribution of Government Responsibilities, resulting from the reform of state organisation) transferred a series of tasks and powers, for which the state administration had been responsible prior to 1 January 1999, to the new local and regional authorities. The act also transferred the institutions and bodies responsible for performing these tasks – which, had been answerable to, or subject to the supervision of, the relevant ministers, central government organs, voivodes (state representatives) or other government bodies prior to 1 January 1999 – to local and regional authorities. A list of such institutions and bodies is specified in an Order of the president of the Council of Ministers.

The „winding-up” of the forty-nine former voivodeships – units of regional government – went hand in hand with the „winding-up” of general administrative bodies operating in those voivodeships. New units (sixteen new voivodeships) were set up on 1 January 1999. Changes were also made to special (sectoral) administrative bodies.

Under the Act of 5 June 1998 on State Administration in Voivodeships, this administration is exercised:

- by the voivode;
- under the voivode's authority, by the heads of departments, inspectorates and wards of the general (united) administration, who discharge the duties and responsibilities stipulated by law:
 - on behalf of the voivode, with statutory authorisation;
 - in their own right, where this is provided for by law;
- by special administrative organs (which are not part of the united administration, and thus not answerable to the voivode);
- by local government organs, where government tasks are performed on the basis of legislation or an agreement.

Special administrative organs and decentralised ministerial agencies can only be set up by legislation, where this is warranted by the national nature of the tasks to be performed or where an activity's geographical scope goes beyond voivodeship boundaries. A list of special administrative organs is set out in the appendix to the act.

Article 7 of the act defines voivodes as:

- representatives of the Council of Ministers in their voivodeships;

- senior officials in the general state administration;
- the organ responsible for supervising local and regional authorities;
- the highest authority in administrative procedures;
- representatives of the State Treasury, in accordance with statutory principles.

The act also specifies the duties associated with the office of voivode, emphasising that as representatives of the Council of Ministers voivodes are responsible for implementing government policy in their voivodeships.

As senior officials of the unified government administration, voivodes oversee and co-ordinate the activities of the latter, ensure the necessary conditions for its efficient operation and take responsibility for the consequences of its actions.

Voivodes discharge their duties with the assistance of deputy voivodes, heads of unified departments, the general director of the voivode's office and divisional directors. The general organisation of government in each voivodeship is laid down in its statute, issued by the voivode, which is subject to approval by the president of the Council of Ministers.

The Act of 5 June on Powiats places certain government tasks - relating primarily to organising services, inspections and policing - within the remit of the relevant powiat council. The act also provides that legislation may specify certain other government tasks that might be performed by powiatas.

Powiats may also conclude agreements with government organs concerning the performance of public tasks falling within the competence of the state administration.

In cases specified by law, appropriate government organs may require powiats to perform certain tasks, particularly in order to eliminate direct threats to security and public order, reimbursing them for the costs incurred.

The Act of 8 March 1990 on Municipal Authorities provides that government tasks may only be imposed on municipalities by law or by an agreement between a given municipality and the appropriate government organ.

7. Organs of local and regional authorities

Deliberative body

Municipal councils, powiat councils and voivodeship diets serve as the deliberative and supervisory bodies of their respective local and regional authorities.

Municipal councils have between fifteen and a hundred members.

Relationship between the number of inhabitants in a municipality and the number of municipal councillors

Number of inhabitants in the municipality	Number of municipal councillors
Under 4 000	15
4 001–7 000	18
7001–10000	20
10001–15000	22
15001–20 000	24
20 001–40 000	28
40 001–60 000	32
60 001–80 000	36
80001–100000	40
100 001–200 000	45

Where a municipality has over 200 000 inhabitants, five councillors are added for each subsequent band or fraction thereof, up to a maximum of 100 councillors.

Each municipal council elects a president and between one and three vice-presidents from among its members, in a secret ballot. The president organises the council's work and chairs its meetings. In the president's absence, his or her duties are discharged by the vice-president.

A supervisory committee is appointed by the municipal council from among its members. The municipal council may also set up other standing or ad hoc committees for specific tasks, with a defined membership and terms of reference.

Powiat councils

Powiat councils have twenty members in powiats of up to 40 000 inhabitants; five councillors are added for each subsequent band of 20 000 inhabitants, up to a maximum of sixty councillors.

Each powiat council elects a president and one or two vice-presidents from among its members, in a secret ballot. The president organises the council's work and chairs its meetings. In the president's absence, his or her duties are discharged by the vice-president.

A supervisory committee is appointed by the powiat council from among its members. The powiat council may also set up other standing or ad hoc committees to perform specific tasks, with a defined membership and terms of reference.

Diets

Voivodeship diets have forty-five members in voivodeships of up to 2 000 000 inhabitants; five members are added for each new band of 500 000 inhabitants.

Each voivodeship diet elects a president and between one and three vice-presidents from among its members, in a secret ballot. The president organises the diet's work and chairs its meetings. In the president's absence, his or her duties are discharged by the vice-president.

A supervisory committee is appointed by the voivodeship diet from among its members. The voivodeship diet may set up standing or ad hoc committees to perform specific tasks. The voivodeship's statute defines the purpose of committees convened by the voivodeship diet, their tasks and rules governing their membership, internal organisation and modus operandi.

*Executive body**Municipalities*

The municipal administrative board is the executive body of the municipality. It is made up of the mayor (wojt in rural municipalities, burmistrz in towns or cities of fewer than 100000 inhabitants and president in municipalities of over 100000 inhabitants), who acts as its chair, and of his or her deputy and the other board members.

The administrative board comprises between five and seven people. It discharges its duties with the assistance of the municipal office. It is elected by the municipal council within six months after the date on which election results are confirmed by the appropriate electoral body. Its members do not necessarily have to be councillors.

At the mayor's proposal, one or more deputy mayors and the other administrative board members are elected by a simple majority of votes cast by the municipal council, in a secret ballot held with at least half the councillors present.

Powiats

The powiat's administrative board is the executive body of the powiat. It is made up of the staroste, who acts as its chair, the vice-staroste and between two and four other members.

On a proposal by the staroste, the other members of a powiat's administrative board are elected by an absolute majority of the powiat council, in a secret ballot held within three months after the date on which election results are confirmed.

Voivodeships

The voivodeship's administrative board is the executive body of the voivodeship. It is made up of the marshal, who acts as its chair, his or her deputies (maximum two) and other members (five people in all).

On a proposal from the marshal, the vice-marshals and the other members of the administrative board are elected by an absolute majority of the voivodeship diet in a secret ballot.

8. Political and administrative heads of local and regional authorities

Municipalities

The mayor (wojt, burmistrz or president) is elected by an absolute majority of the municipal council. The mayor may also be dismissed by a majority of two thirds of the municipal councillors, in a secret ballot. Dismissal of the mayor automatically results in dismissal of the other members of the administrative board.

On a well-founded motion by the mayor, individual members of the administrative board may also be dismissed by the municipal council, in a secret ballot held with at least half the councillors present.

The mayor acts as the municipality's public representative. He or she is the director of the municipal office and the head of both its staff and those of other municipal institutions.

The mayor also organises the work of the administrative board and oversees the day-to-day running of municipal affairs, in accordance with decisions of the municipal council. Within the limits set by the administrative board, the mayor may entrust the day-to-day running of municipal affairs to the municipal secretary.

In urgent matters entailing a direct threat to the public good, the mayor may take action in areas that normally fall within the remit of the administrative board (except in certain cases stipulated by law); such action must be approved retrospectively at the board's next meeting.

The mayor takes decisions on individual matters of public administration (he or she may authorise his or her deputies – or other employees of the municipal office – to take such decisions on his or her behalf). Decisions of the municipal administrative board must be signed by the mayor. They must also include the first names and surnames of those board members having taken part in the decision.

Powiats

The staroste is elected by an absolute majority of the powiat council in a secret ballot. Dismissal of the administrative board or its individual members, including the staroste or vice-staroste, requires a majority of three fifths of the powiat councillors in a secret ballot.

The staroste acts as the powiat's public representative. He or she organises the work of its administrative board and is responsible for the day-to-day running of powiat affairs. He or she is the director of the staroste's office and the head of staff of the latter and of other powiat institutions.

In urgent matters entailing a direct threat to the public good, the staroste may take action in areas that normally fall within the remit of the administrative board (except in certain cases stipulated by law); such action must be approved retrospectively at the board's next meeting. The staroste takes decisions on individual matters of public administration (he or she may authorise his or her deputies – or other employees of the staroste's office – to take such decisions on his or her behalf).

Voivodeships

The marshal of the voivodeship is elected by an absolute majority of the diet in a secret ballot. He or she may be dismissed by a qualified majority of three fifths of the diet's members, in accordance with statutory requirements. Dismissal of the marshal also results in dismissal of the voivodeship's administrative board.

The marshal of the voivodeship organises the work of the voivodeship's administrative board, oversees the day-to-day running of the voivodeship and acts as its public representative. He or she is the director of the marshal's office and the head of staff of the latter and of other voivodeship institutions.

In urgent matters entailing a direct threat to the public good, the marshal may take action in areas that normally fall within the remit of the administrative board (except in certain cases stipulated by law); such action must be approved retrospectively at the board's next meeting.

9. Distribution of powers and responsibilities among the different organs of local and regional authorities

Municipalities

The following main responsibilities fall within the exclusive competence of the municipal council:

- adopting the municipal statute;

- appointing and dismissing the administrative board, setting guidelines for its work and approving its activity reports;
- appointing and dismissing the municipal treasurer (who is also the chief accountant) and municipal secretary on a proposal from the chair of the administrative board;
- approving the municipal budget, considering reports on its implementation and discharging (or otherwise) the administrative board;
- approving local land development plans;
- approving economic programmes;
- determining the spheres of activity of subsidiary units (villages and districts), establishing principles for the use and disposal of municipal assets and of budgetary resources for carrying out appropriate tasks;
- decisions on rates and taxes, within statutory limits;
- decision on co-operation with other municipalities and the allocation of appropriate resources for this purpose;
- decision to take on additional delegated government tasks;
- decision on the municipal emblem, names of streets and public squares and the erection of monuments;
- taking decision on other matters assigned to the municipal council by law.

The municipal council sets up a special review committee to supervise the activities of the administrative board and other municipal institutions.

The administrative board implements the decisions of the municipal council and performs tasks assigned to it by law. These tasks include:

- preparing draft decisions of the municipal council;
- prescribing how municipal council decisions will be implemented;
- administering municipal property;
- implementing the budget;
- appointing and dismissing heads of municipal institutions.

The administrative board is answerable solely to the municipal council for the discharge of its duties.

Powiats

The following responsibilities fall within the exclusive competence of the powiat council:

- adopting local standard-setting instruments, including the powiat's statute; appointing and dismissing the administrative board;
- appointing and dismissing the secretary and treasurer of the powiat, on the proposal of the staroste;
- setting guidelines for the powiat's administrative board and examining its activity reports;

- adopting the powiat's budget;
- examining budget implementation reports and deciding whether or not to discharge the administrative board;
- establishing rates and taxes, within statutory limits;
- decisions on powiat property matters which go beyond mere management, such as:
 - a) principles for the acquisition, sale and exchange of property, as well as for leases of over three years, where legislation does not provide otherwise;
 - b) issuing bonds and establishing principles for their sale and purchase;
 - c) granting long-term loans and credit;
 - d) setting maximum levels for short-term loans and credits raised by the administrative board during the budgetary year, and for guarantees and other obligations entered into by it during that period;
 - e) investments and redevelopment whose value exceeds the yearly limit set by the powiat council;
 - f) the establishment, membership and dissolution of associations, unions, foundations and co-operatives, as well as withdrawal from such bodies;
 - g) the establishment, membership and dissolution of companies, as well as withdrawal from them, and principles for the supply, acquisition and sale of stocks and shares;
 - h) co-operation with other powiats and municipalities for the disposal of property;
 - i) setting up, fitting out, reorganising and winding up powiat economic undertakings and institutions;
 - j) decisions on the powiat's emblem and flag;
 - k) taking decisions on other matters assigned to the powiat council by law.

The powiat council supervises the activities of the administrative board and other powiat units and institutions, setting up a review committee for this purpose.

The powiat's administrative board implements decisions of the powiat council and performs the tasks assigned to it by law. These tasks include:

- preparing draft decisions of the powiat council;
- administering powiat property;
- implementing the powiat's budget;
- recruiting and dismissing the heads of powiat institutions.

The administrative board is answerable solely to the powiat council for the discharge of its duties.

Voivodeships

Exclusive competencies of the voivodeship diet include:

- adopting standard-setting instruments, such as:
 - a) the voivodeship's statute;
 - b) principles for the administration of voivodeship property;
 - c) principles for the use of voivodeship facilities and community assets.
- approving the voivodeship's development strategy and long-term programmes; approving the land development plan;
- approving the voivodeship's budget;
- establishing principles for the grant of subsidies from the voivodeship's budget;
- appointing an independent auditor and deciding to close the voivodeship's budgetary accounts;
- considering budget implementation reports, the voivodeship's financial reports and reports on the implementation of long-term programmes; discharging (or otherwise) the voivodeship's administrative board for its implementation of the budget;
- passing provisions on local rates and taxes, within statutory limits;
- taking decisions on the delegation of voivodeship tasks to other local and regional units;
- approving a list of priorities for international co-operation by the voivodeship; taking decisions on participation in international associations of regions and other forms of inter-regional co-operation;
- appointing and dismissing the voivodeship's administrative board;
- appointing and dismissing the voivodeship's treasurer, on a proposal from the marshal of the voivodeship;
- taking decisions on the establishment, membership and dissolution of unions, associations and foundations, as well as withdrawal from such bodies;
- taking decisions on voivodeship property matters;
- taking decisions on other matters assigned to the diet by law or by the voivodeship's statute;
- passing provisions on the internal organisation and working methods of voivodeship organs.

The voivodeship's diet supervises the activities of its administrative board and other voivodeship institutions, setting up a review committee for this purpose.

The voivodeship's administrative board implements decisions of the diet and performs other tasks stipulated by law. These tasks include:

- administering voivodeship property;
- preparing and implementing the voivodeship's budget;

- preparing and implementing a draft development strategy, land development plan and other voivodeship programmes;
- arranging co-operation with regional authorities in other countries and international associations of regions;
- directing, co-ordinating and supervising the activities of voivodeship units and institutions, including the appointment and dismissal of their heads;
- issuing organisational regulations for the marshal's office.

The voivodeship's administrative board is answerable solely to the diet for the discharge of its duties.

10. Internal structure of local and regional authorities

The internal organisation and modus operandi of municipal bodies are set out in the municipal statute, which is published in the voivodeship's official gazette.

Municipalities are entitled to set up subsidiary territorial units, such as villages and districts, by a decision of the municipal council following consultation with citizens or at the instigation of the latter. Principles for the establishment, consolidation, separation and winding-up of subsidiary units are laid down in the municipal statute.

In municipalities of over 300 000 inhabitants, the draft municipal statute must be approved by the president of the Council of Ministers.

The structure and modus operandi of powiat units are set out in the powiat's organisational regulations, adopted by its administrative board.

Voivodeship administration is centralised in a single office, under the authority of one official.

The internal structure of the voivodeship as a regional authority is set out in its statute, which is adopted once it has been approved by the president of the Council of Ministers.

11. Principles governing the distribution of powers

The constitutional guarantees serving as a basis for the distribution of powers among the various tiers of local government are set out earlier.

Principles for the distribution of tasks are established by law.

A distinction may be drawn between compulsory and optional tasks. Whereas compulsory tasks must be imposed by law, optional tasks derive from a relevant decision by the council of a given local or regional authority (in the case of own tasks) or from an agreement between the relevant organs of the local or regional authority in question and the appropriate organ of a higher

authority (in the case of delegated tasks). Such agreements are normally signed by the voivode on behalf of the state.

In listing areas of competence, the acts on municipalities, powiats and voivodeships often the same area to more than one authority. As a general rule, each tier performs those public tasks specified by law whose scope is appropriate to their territory. For example, powiats perform supra-municipal local tasks while voivodeships perform tasks relevant to their entire territory.

Under the Act of 8 March 1990 on Municipalities, all public matters of local importance not assigned to other authorities by law fall within the competence of the municipality. Municipalities perform public tasks in their own right and under their own responsibility. They possess legal personality. Municipal autonomy is subject to judicial protection.

Legislation (or agreements) may delegate government tasks, including the organisation of elections and referendums, to municipalities. The performance of delegated tasks may also derive from an agreement between a municipality and a government body. In both cases, the municipality receives the necessary financial resources to perform such tasks.

Under the Act of 5 June 1998 on Powiats, the latter perform public tasks stipulated by law, in their own right and under their own responsibility. They possess legal personality. Their autonomy is subject to judicial protection.

In addition to their own tasks, powiats may perform certain government tasks, as stipulated by law, in exchange for the necessary financial resources. Delegated tasks may also be performed under an agreement between the state and a powiat.

A powiat may delegate tasks within its remit to a municipality on a well-founded request from the latter, in accordance with conditions set out in an agreement on the matter.

Powiat tasks must not infringe on the municipal sphere of activity.

Under the Act of 5 June 1998 on Voivodeships, the activities of voivodeships must not violate the autonomy of powiats or municipalities. Voivodeships are responsible for performing specific public tasks not exclusively assigned to government organs by law.

Voivodeships possess legal personality and perform public tasks stipulated by law in their own right and under their own responsibility. Their autonomy is subject to judicial protection.

Legislation may also specify government competencies that are to be exercised by voivodeships.

Ipsa jure competencies of local and regional authorities

Municipalities

Municipalities' own tasks include the following:

- physical planning and environmental conservation;

- municipal roads, streets, bridges and squares and the organisation of road traffic;
- municipal water supply networks, sewage networks, refuse collection, cleaning of public places, electricity supply and heating;
- local public transport;
- health protection;
- welfare support, including welfare centres and institutions;
- council housing;
- education, including primary schools, nursery schools and other educational institutions;
- culture, including municipal libraries;
- sport, including recreation areas and sporting facilities;
- market places including covered markets;
- municipal parks and woods;
- municipal cemeteries;
- law and order and fire fighting;
- maintenance of municipal assets, community facilities and administrative buildings;
- welfare, medical and legal support for pregnant women.

Legislation stipulates which municipal tasks are compulsory.

Powiats

Powiats perform supra-municipal public tasks, as stipulated by law, in the following areas:

- state education;
- health promotion and protection;
- social welfare;
- family policy;
- support for people with disabilities;
- transport and public roads;
- culture and conservation of cultural assets;
- sport and tourism;
- geodesy, maps and the property registers;
- property management;
- physical planning and supervision of building work;
- water management;
- environmental and nature conservation;
- agriculture, forestry and river fishing;
- law and order and citizens' safety;
- protection against floods, fire and other exceptional threats to human life and safety or to the environment;

- efforts to combat unemployment and stimulate the local labour market;
- protection of consumer rights;
- maintenance of the powiat's assets, community facilities and administrative buildings; defence;
- promotion of the powiat;
- co-operation with non-profit organisations;
- tasks performed by powiat departments, inspectorates and wardens.

Voivodeships

Voivodeships frame development strategies, giving particular consideration to the following aims:

- fostering Polish identity and developing national, civic and cultural awareness among inhabitants;
- fostering business activity;
- making the regional economy more competitive and increasing the level of innovation;
- protecting the cultural and natural environment, while taking account of the needs of future generations;
- achieving and maintaining harmonious spatial development of the voivodeship.

Voivodeships implement strategic programmes to promote regional development policy, the main goals of which are:

- to establish a climate conducive to economic development, including stimulation of the labour market;
- to maintain and expand the region's social and technical infrastructure;
- to secure public and private financial resources for activities of benefit to the community;
- to support and conduct activities aimed at raising citizens' level of education;
- to use natural resources rationally and to conserve or rehabilitate the natural environment, in accordance with the principle of sustainable development;
- to encourage scientific development and co-operation between science and business, and to promote technological progress and innovation;
- to encourage cultural development, along with the conservation and rational use of the cultural heritage;
- to promote the voivodeship and its development potential.

Voivodeships perform tasks of regional scope, as stipulated by law, in the following areas:

- state education, up to university level;

- health promotion and protection;
- culture and conservation of cultural assets;
- welfare support;
- family support policy;
- modernisation of rural areas;
- physical planning;
- environmental conservation;
- water management;
- public roads and transport;
- sport and tourism;
- protection of consumer rights;
- defence;
- public security;
- efforts to combat unemployment and to stimulate to the labour market.

12. Supervision of local and regional authorities

Firstly, a distinction must be drawn between internal and external supervision of local and regional authorities.

Internal supervision is exercised by the municipal council, powiat council or voivodeship diet, which supervises the activities of the administrative board and of local or regional bodies. To this end, the council (or diet) convenes a meeting of the review committee, which is made up of local, or regional representatives other than the president or vice-presidents of the council (or diet) or members of the administrative board. The review committee gives its opinion on implementation of the local or regional authority's budget and submits a motion to the council (or diet) on the discharge or otherwise of the administrative board; this motion is then submitted to the regional audit office for an opinion.

Organs, types and measures of external supervision:

The main purpose of external supervision is to ensure the lawfulness of local and regional authorities' actions. Criteria of expediency are only applied in external supervision, of local authorities in relation to tasks delegated to those authorities by the state administration. The law clearly states how such criteria are to be applied, based primarily on a clear demarcation between authorities' own tasks and delegated tasks.

Under the Constitution and specific legislation, the president of the Council of Ministers, the voivodes and - in the area of financial audits - regional audit offices are the organs responsible for supervising the activities of local and regional authorities.

Supervision is only exercised retrospectively and is confined to those situations set out in the aforementioned legislation.

Supervision consists of:

- access to essential documents; local and regional authorities have an obligation to forward their decisions to the voivode within seven days and to provide him or her, on request, with all other necessary information for the purposes of supervision. Local and regional authorities must submit budgetary decisions to the regional audit office by the same deadline, along with decisions on discharge of the administrative board and other decisions in areas subject to the office's supervision;

- the right of supervisory bodies to inspect the administration of local and regional authorities and to attend meetings of local and regional organs;

- verification of the lawfulness of acts; decisions in breach of the law may be declared null and void within thirty days of receipt. They may be set aside either totally or partially. By declaring a decision null and void, the supervisory body stays its execution. The voivode refers partially set aside decisions to the council (or diet) for reconsideration within a set deadline;

- once that deadline (thirty days following receipt of the text of the decision in question) has expired, the supervisory body may challenge the decision of the local or regional council (or diet) before the administrative court; in such cases, the court decides whether or not to stay execution of the act in question;

- where the infringement is only minor, the supervisory body simply notes breaches without revoking the decision;

- in the supervision of tasks delegated to a local or regional authority by the state administration - where criteria of expediency are therefore applied in addition to those of legality - the voivode may stay execution of the decision and refer it for reconsideration, stating his or her objections and setting a deadline within which the matter must be resolved; if the ensuing new decision fails to address these concerns, the voivode may revoke it and issue an alternative order, of which he or she must inform the leadership of the local diet and the appropriate minister. This alternative order enters into force thirty days after it is issued, provided that the minister in question does not take a different decision on the matter within that period;

- at the Prime Minister's request, the parliament (Sejm) may vote to dissolve the council (or diet) of a local or regional authority's council (or diet) – resulting in the simultaneous dissolution of all other organs of the authority in question – if the latter repeatedly breaches constitutional or legislative provisions. In such cases, the Prime Minister designates a person to take responsibility, on a provisional basis, for exercising the functions of the council and other organs of the local or regional authority until fresh elections are held;

- a voivodeship diet may vote to dissolve a municipality's administrative board at the voivode's request (by an absolute majority of votes with at least half of the diet's members present), if that board repeatedly breaches the

Constitution or legislation and fails to comply with the voivode's demand that it take the necessary steps. In such cases, the president designates a person to take responsibility, on a provisional basis, for exercising the functions of the administrative board and the mayor;

– where a local or regional authority's organs have failed to perform their public tasks effectively for some time and there is no prospect of rapid improvement, the Prime Minister may suspend that authority's organs, instituting management by the government commissioner for a two-year period (unless council or diet elections are held within that time). Before instituting management by the government commissioner, the voivode must forward his or her comments to the local or regional authority, calling upon it to submit an amended programme immediately.

Individual appeals against decisions of local and regional authorities:

Any person whose legitimate interests or rights have been violated by the decision of a local or regional organ in a matter of public administration may bring a case before the administrative court. Proceedings may be brought on an individual or group basis.

The same applies where a local or regional organ fails to perform acts required by law or by the courts. The administrative court may ask the supervisory body to take appropriate measures; any costs incurred are borne by the local or regional authority concerned, at its own risk.

13. Regional development policy-new challenges

The public administration reform, introduced on 1 January 1999, creates new challenges for regional policy and requires new instruments. The new challenges also result from the close perspective of Poland's ascension to the European Union. The Polish State must be well prepared to effectively use the sources of structural policy in order to activate its underdeveloped -regions; restructure industrial regions in decline; and improve the competitiveness of the economy as a whole.

The key problem of the emerging regional policy is the respect of the autonomy of the new voivodships in carrying out the development programmes of the central government. The basic principles of the legislation being prepared are based on the subsidiarity principle and allow for the realisation of only those national regional development programmes which have been agreed on with the voivodship authorities. As a result, the voivodship authorities shall be responsible for the execution of the regional agreement contracted with the central government and for the administration of most of the financial resources devoted to the realisation of the national government's regional policy goals.

The new legislation in the area of regional development policy should also allow Polish administration to prepare coherent strategies and plans within the deadlines set by the European Union. Therefore, it shall allow Poland efficiently participate in the system of European structural and regional policy, with the application of a mixed model of mutual co-operation of central and regional governments. In this model the roles of the central and regional governments are balanced with respect to designing programmes. Regional governments, however, will be primarily responsible for their implementation, with the central government monitoring and controlling overall programme performance. Such a model retains competition between regions in applying for Structural Funds, but ensures the implementation of the principle of solidarity and promotion of balanced development by the central government.

14. Conclusion

The coming years will be of a great significance for Poland. Poland has a real chance of finally overcoming the heritage of injustice that accompanied its forceful inclusion into the Soviet bloc. Europe stands a chance to become more secure, richer and stronger thanks to accelerated political, economic and social co-operation.

In order to take advantage of these opportunities, both Poland and the European Union should be properly prepared for collaboration, Poland is taking up this challenge,

The systemic reforms will help Poles become a modern and stable European nation. Poland's systemic reforms are thus not merely an internal issue. Their success will have significant implications for the future of Europe.

The 21st century is placing new challenges before the Polish state. Poland, strengthened organisationally, administratively and economically, is building a system that will allow it to face these challenges and seize new opportunities and that will bring Poland to its true place in Europe.

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JÓZSA ZOLTÁN

A HELYI ÉS A REGIONÁLIS ÖNKORMÁNYZATOK SZERVEZETE ÉS FELADATAI LENGYELORSZÁGBAN

(Összefoglalás)

A Lengyel Köztársaságban a kormány fő célja, hogy modern, hatékony állam működjön, amely az állampolgárok megelégedésére látja el feladatait.

A helyi önkormányzatok 1990-ben 2489 településen jöttek létre. Ezek megalakulása a kommunista hatalom összeomlása után jelentős sikerként könyvelhető el. A jelenlegi reformok két új szintet intézményesítettek az önkormányzati szektorban és jelentősen csökkentették a központi igazgatás területi jelenlétét. Az állam decentralizálta feladatai egy részét, valamint az azokhoz kapcsolódó pénzügyi eszközöket a 308 demokratikusan választott poviathoz, valamint 65 városi rangú gminához, amelyek a poviát jogállásával rendelkeznek. A reform szintén jelentősen csökkentette a voivodák számát, 49-ről 16-ra, s egyben azokat a regionális politika gazdájává tette.

1999 január 1-től a voivoda tanácsa a regionális fejlesztés és a gazdaságpolitika elsődleges megvalósítója, s hasonlóan a gminához valamint a poviathoz, önálló jogi entitásként saját költségvetéssel rendelkezik. A reform eredményeként a decentralizáció az állami intézmények működésének az átláthatóságát, valamint a közfelelősség érvényesítését is tette lehetővé.

Az eddigi változások további eredménye hogy az állampolgárok ellenőrzési lehetősége javult, s közvetlen módon győződhetnek meg arról, hogy a közpénzek felhasználása hatékonyan valósul meg. Ezen túlmenően a változásoknak köszönhetően a jövőben Lengyelország meghatározó szerepet játszhat az európai gazdasági és politikai folyamatokban, s az Unió aktív tagjává válhat.

A közigazgatási reform további lépései az alábbi célokat szolgálják:

- modern állam kialakítása, amely képes hatékonyan kihasználni gazdasági, szociális és politikai potenciálját;

- demokratikus állam létrehozása, amelynek közösségi és magán értékei az európai civilizációt gazdagítják;
- olyan állam megteremtése, melynek működése átlátható, s amely folyamatosan lehetővé teszi a demokratikusan választott képviselők ellenőrzését;
- olyan állam létrehozása, mely képes a válsághelyzetek kezelésére, a közbiztonság és a közrend stabil fenntartására;
- a helyi és regionális közösségek identitásának a megőrzése, önrendelkezésük kiteljesítése, valamint a közösségi feladatok ellátása a szubszidiaritás elvének érvényesülése mellett;
- olyan állam létrehozása, amely teljesíti a polgáraival szembeni, valamint nemzetközi kötelezettségeit.

Az 1999-ben megkezdett reform jogi lépéseinek a megtétele után sor kerül a közigazgatás finanszírozásának átfogó felülvizsgálatára is, majd az oktatás, az egészségügy és a társadalombiztosítás korszerűsítése kerül napirendre.